

MINUTES OF BOARD MEETING

September 20, 2006
City Council Chambers
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Nancy Wright at 10:00 a.m. on September 20, 2006 in the City Council Chambers, City of La Quinta, California.

1. Board Member Roll Call

Present: (10:05 a.m.): Jeff Hays, Leon Lesicka, Maurice "Red" Martinez, Ellen Way and Nancy Wright. The Board Secretary stated a quorum was present.

2. Staff Present:

Jose Angel, Terry Barnes, John Carmona, Mary Castaneda, Liann Chavez, Jose Cortez, Abdi Haile, Cecilia Irwin, Theresa Kimsey, Robert Perdue, Jon Rokke, Hilda Vasquez, Doug Wylie, Nadim Zeywar.

3. Others Present:

Don Cox Family
Michael Pettit, Court Reporter
Tom Vandenberg, SWRCB, OCC
Steven H. Smith, CH2M Hill
Bob Doss, PG & E
Bob Lucas, Lucas Adv.
Chris Guerre, DTSC
Aaron Yue, DTSC
Arlene Chun, RCFC
Rick Daniels, Salton Sea Authority
Mike Zischke, Morrison & Foerster
Bob Armstrong, Yucca Valley
Bob Dunn, Yucca Valley
Alberto Ramirez, Torres-Martinez Tribe
Sharma Hammond, Law Offices of Cartney Coyle, Fort Mojave Tribe
Robert Nicklen
John Clairday, Metropolitan Water District of Southern California

4. Minutes

Minutes of June 21, 2006 Board Meeting

MOTION: Maurice Martinez moved, Leon Lesicka seconded, and motion carried unanimously that the Minutes be approved as submitted.

5. Public Forum

No comments from public.

6. Uncontested Waste Discharge Requirements

A. NPDES Permits

R7-2006-0033 – United States Navy, Owner/Operator of the Vacuum Enhanced Pumping (VEP) Groundwater Treatment System, Naval Air Facility – El Centro, Imperial County

B. Waste Discharge Requirements

R7-2006-0057 – Sunwest Development, LLC Desert Knoll Wastewater Treatment and Disposal Facilities – City of Twentynine Palms, San Bernardino County

MOTION: Ellen Way moved, Maurice Martinez seconded, and motioned carried unanimously that Board Order No. R7-2006-0033 and R7-2006-0057 be adopted.

7. PG&E Topock Chromium Cleanup

R7-2006-0073 – Resolution for Certification of California Environmental Quality Act Negative Declaration for Waste Discharge Requirements. Pacific Gas & Electric Company, Owner/Operator, Topock Compressor Station – Groundwater Injection – Needles, San Bernardino County

R7-2006-0060 – Waste Discharge Requirements for Pacific Gas & Electric Company, Owner/Operator, Topock Compressor Station – Groundwater Injection – Needles, San Bernardino County (Revised Order)

To place into context the proposed injection permit WDRs, Board Order No. R7-2006-0060, that PG&E sought to renew for this Agenda Item, Tom Vandenberg read into the record a written statement concerning the background of hexavalent chromium contamination detected in the soils and groundwater at and adjacent to the PG&E Natural Gas Compressor Station facilities. The statement includes a description of the relevant permitting history of the PG&E facilities and the environmental review conducted by the Regional Board as Lead Agency pursuant to the

California Environmental Quality Act. Mr. Vandenberg explains that the environmental review determined that the proposed renewal of the injection permit WDRs would not have a substantial impact on the environment. Accordingly, he states that staff recommended that the Regional Board adopt a Negative Declaration. He adds that written comments received during the public comment period for the proposed permit and environmental review also did not object to the proposed permit renewal or the proposed Negative Declaration.

After the written statement is read into the record, Robert Perdue explains to the Regional Board that the proposed permit is basically the same as the existing permit, which is set to expire on January 31, 2007, with any changes made as being non-substantial. Mr. Perdue then requests that all files concerning this permit renewal be entered into the record.

The Regional Board asks the public in attendance whether there are any questions or comments concerning the proposed permit or environmental review conducted.

John Clairday, an attorney with the Metropolitan Water District of Southern California, comments that MWD supports the proposed permit renewal and Negative Declaration.

Aaron Yue from DTSC comments that the WDRs are necessary for the cleanup and that DTSC supports adoption of the WDRs.

Bob Doss, Principal Engineer for PG&E, comments that PG&E supports the proposed permit and the proposed Negative Declaration.

Alberto Ramirez, who works for the Torres-Martinez Tribe, comments on Board Order No. R7-2006-0060 by expressing his Tribe's concern to protect water quality since his Tribe and other Tribes rely on that water.

MOTION: Jeff Hays moved, Maurice Martinez seconded and motion carried unanimously that Resolution No. R7-2006-0073 and Board Order No. R7-2006-0060, including the Errata for R7-2006-0060 be adopted.

8. Enforcement

R7-2006-0074 – Administrative Civil Liability Order No. R7-2006-0074
Mandatory Minimum Penalty in the matter of Niland Sanitary District,
Owner/Operator Municipal Wastewater Treatment Plant – Imperial County

No public comments. Ellen Way and Jeff Hays inquired as to whether the Complaint was for violations related to the on-going WWTP problems and whether the Discharger was doing a compliance project to correct the problem.

Doug Wylie and Jose Angel said the violations were related and that the Discharger was doing a compliance project to fix the problems.

R7-2006-0075 – Administrative Civil Liability Order No. R7-2006-0075
Mandatory Minimum Penalty in the matter of City of El Centro,
Owner/Operator, Municipal Wastewater Treatment Plant – Imperial County

MOTION: Maurice Martinez moved, Jeff Hays seconded and motion carried unanimously that Board Orders No. R7-2006-0074 and R7-2006-0075 be adopted.

R7-2006-0078 – Administrative Civil Liability Order No. R7-2006-0078
Mandatory Minimum Penalty in the matter of Calipatria, Owner/Operator,
Municipal Wastewater Treatment Plant – Imperial County

MOTION: Jeff Hays moved, Maurice Martinez seconded and motion carried unanimously that Board Order No. R7-2006-0078 be adopted.

9. **Resolutions**

R7-2006-0067 – Declaring September 20, 2006 as Appreciation Day to Don Cox, Former Board Member.

MOTION: Ellen Way moved, Leon Lesicka seconded, and motion carried unanimously that Resolutions No. R7-2006-0067 be adopted.

R7-2006-0076 – Delegating to the Chair the Authority to Represent the
Regional Board in Matters Involving Litigation in the Event
of Absence of a Quorum

MOTION: Jeff Hays moved, Maurice Martinez seconded, and motion carried unanimously that Resolutions No. R7-2006-0076 be adopted.

R7-2006-0077 – Designating a Hearing Panel to Conduct Hearings in the
Event of Absence of a Quorum

Ellen Way asked our Chief Counsel, Tom Vandenberg to explain Orders R7-2006-0076 and R7-2006-0077. Tom Vandenberg explained these are two (2) Resolutions that other Regional Boards have adopted as a safeguard in the event the Board does not have a quorum. With these Resolutions, a panel of Board Members can consider Enforcement matters, Waste Discharge Requirements and so forth. The Panel, however, cannot vote on the items. It cannot take an action. The Panel can vote to make a

recommendation, so when there is a Board quorum, the Board can use that information. A lot of the work can be done ahead of time. That will allow the Board to do something so business can be conducted to some degree.

MOTION: Ellen Way moved, Jeff Hays seconded, and motion carried unanimously that Resolution No. R7-2006-0077 be adopted.

10. Informational Update on – Salton Sea Authority Restoration Plan – NZ

Rick Daniels gave an update on the Salton Sea and shared with the Board an overview of the Authority's Restoration Plan for the Sea. He also thanked the Board for its regulatory and financial support to deal with the August 2006 fish die off by the State Park.

11. Informational Update – on Reportable Violations of the California Water Code – DW

Doug Wylie updates the Board on violations.

12. Informational Update on the Border Program – JA

Jose Angel reported that the new WWTP for Mexicali (a.k.a. Las Arenitas) is being tested. New River water quality at the Border is expected to improve significantly within the next month.

13. Informational Update on State Water Resources Control Board Activities – CHAIR

Nancy Wright reported that she and Robert met with the State Board Liaison for our Region, Mr. Charles Hoppins, in Sacramento. She said he is a retired rice farmer, and she felt he will fit in nicely in this region.

14. Colorado River Basin Water Board Executive Officer's Report – R.P.

Jose Angel informed the Board about 2 Supplemental Environmental Projects (SEPs) the Salton Sea Authority submitted for consideration of funding from settlements of Administrative Civil Liability Complaints. Board staff reviewed the proposed projects and they meet the criteria for funding as SEPs. The projects would consist of monitoring, operation and maintenance of wetlands in the Imperial Valley.

On Wednesday August 30th, Jon Rokke and Theresa Kimsey attended a High Desert Water District's workshop regarding a proposed municipal wastewater treatment and sewer collection systems for the Town of Yucca Valley. Approximately 60 people, including residents, elected officials, builders, media, and others, attended the meeting. Jon Rokke delivered a presentation and answered questions regarding the Regional Boards role in permitting, and protecting groundwater quality from the threat posed by septic systems in the area.

15. Colorado River Basin Water Board Member Comments –

Jeff Hays mentioned that he plans to go to the Water Quality Coordinating Committee meeting on October 30, 2006 and October 31, 2006. Red Martinez attended the groundbreaking for the Cathedral City Sewer Improvement Ceremony.

16. Colorado River Basin Water Board Chair's Report – CHAIR

Ms. Wright reported that on August 2nd there was a Salton Sea Advisory Committee meeting in San Diego. She participated in the Chair's conference calls with the State Water Board Chair and the Regional Board Chairs on July 17th and August 7th. She also said that Rick Daniels was at the Regional Board office and met with Robert, Jose, and her on August 17th. She and Robert participated in the Chairs' meeting on September 11th in Sacramento.

Arrangements for Next Board Meeting

November 16, 2006

Adjournment

Meeting adjourned at 11:40 a.m.